

Message Text

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ROME FOR INS

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SUBJECT: RESETTLEMENT ASSISTANCE FOR ROMANIAN
- INELIGIBLES

REF: (A) BUCHAREST 3713, (B) STATE 136697

1. STATEMENTS BY AUSTRIAN EMBASSY OFFICIAL AS REPORTED
REF A, PARA ONE, ARE MISLEADING INsofar AS THEY REFLECT
SOMEWHAT SUPERFICIAL UNDERSTANDING OF AUSTRIAN REFUGEE
PROCESS. WE BELIEVE SOME CLARIFICATION OF ACTUAL SCENARIO
WOULD BE HELPFUL IN PUTTING THIS PROCESS IN PERSPECTIVE.

2. VIRTUALLY ALL "REFUGEES" ENTERING AUSTRIA FROM
EASTERN EUROPE DO SO LEGALLY. THEY ENTER WITH TOURIST
OR TRANSIT VISAS OR, IN THE CASE OF ROMANIANS, POLES,
BULGARIANS AND YUGOSLAVS (AND HUNGARIANS AS OF JANUARY 1,
1979), UNDER BILATERAL VISA WAIVER AGREEMENTS. STATUS
OF THESE INDIVIDUALS IN AUSTRIA IS TEMPORARY AND THEY MAY
NOT RPT NOT SEEK EMPLOYMENT. IF SUCH PERSON DESIRES NOT
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TO RETURN TO HIS HOMELAND, HE MAY APPROACH LOCAL
AUTHORITIES TO REQUEST POLITICAL ASYLUM IN ACCORD WITH
UN CONVENTION ON REFUGEES. PROSPECTIVE REFUGEE MAY
APPROACH LOCAL AUSTRIAN OFFICIALS DIRECTLY OR WITH
ASSISTANCE OF VOLAGS. ONLY AFTER ASYLUM IS GRANTED CAN
REFUGEE SEEK EMPLOYMENT. JOBS FOR REFUGEES ARE IN SCARCE
SUPPLY, HOWEVER, GIVEN AUSTRIA'S RISING UNEMPLOYMENT AND

LACK OF GERMAN LANGUAGE. ONLY ENGLISH LESSONS ARE OFFERED EASTERN EUROPEAN REFUGEES AT REFUGEE FACILITIES. MEANS OF ENTRY INTO AUSTRIA IS UNRELATED TO LIVING IN GOVERNMENT-PROVIDED FACILITIES SUCH AS TRAIKIRCHEN CAMP. AFTER QUALIFYING FOR REFUGEE STATUS IN AUSTRIA, REFUGEE MAY LIVE AT CAMP IF HE DOES NOT HAVE PRIVATE MEANS. LACK OF FINANCES AND SCARCITY OF HOUSING MEANS MAJORITY, BUT BY NO MEANS ALL REFUGEES IN AUSTRIA LIVE IN "CAMPS". CURRENTLY ABOUT 80 OF EASTERN EUROPEANS WHO APPLY (EXCLUSIVE OF YUGOSLAVS) ARE GRANTED ASYLUM.

3. PRINCIPLE OF FREE MOVEMENT OF PEOPLES ACROSS BORDERS AND ADHERENCE TO HELSINKI AGREEMENT IS POLITICAL ARTICLE OF FAITH FOR AUSTRIANS, AND GOA IS COMMITTED TO ABOLISHING TOURIST VISA REQUIREMENTS ON RECIPROCAL BASIS WITH ALL COUNTRIES AND PARTICULARLY THOSE IN EASTERN EUROPE. GIVEN FOREGOING, IT IS UNDERSTANDABLE THAT AUSTRIAN EMBASSY WOULD NOT BE IN A POSITION TO INHIBIT DEPARTURE OF ROMANIANS DESTINED FOR AUSTRIA. FURTHERMORE, THERE ARE NO SPECIFIC GROUNDS IN AUSTRIAN LAW SUCH AS IN U.S. IMMIGRATION AND NATIONALITY ACT TO DENY VISAS TO PERSONS CONVICTED OF CERTAIN CRIMES.

4. IT SHOULD BE BORNE IN MIND, FURTHERMORE, THAT INFORMATION MADE AVAILABLE TO AUSTRIAN EMBASSY IN BUCHAREST REGARDING CRIMINAL BACKGROUND OF ROMANIANS ENTERING LIMITED OFFICIAL USE

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AUSTRIA IS NOT COMMUNICATED TO OFFICIALS IN AUSTRIA RESPONSIBLE FOR GRANTING ASYLUM. HENCE, WHEN APPLICATION FOR ASYLUM IS RECEIVED HERE BY AUSTRIANS, RESPONSIBLE OFFICIALS ARE UNAWARE OF PARTICULAR CIRCUMSTANCES WHICH WOULD RENDER REFUGEE INELIGIBLE FOR ADMISSION TO U.S. OR FACT THAT HE HAS BEEN OR WOULD BE REFUSED A VISA OR REFUGEE DOCUMENTATION TO U.S.

5. IN ORDER TO ACHIEVE GOAL STATED IN REF B, PARA 2 AND TO ENSURE THAT GOA WHEN GRANTING ASYLUM IS FULLY APPRISED OF APPLICANT'S BACKGROUND AND INELIGIBILITY FOR U.S. ENTRY, WE BELIEVE EMBASSY VIENNA SHOULD BE AUTHORIZED TO INFORM INTERIOR MINISTRY OFFICIALS WHENEVER EMBASSY BUCHAREST ISSUES DOCUMENTATION TO INELIGIBLES AND AUSTRIA APPEARS TO BE DESTINATION. THIS WOULD AT LEAST ASSURE AUSTRIANS OF OUR DESIRE TO BE FORTHRIGHT AND WOULD MAKE IT CLEAR THAT OUR ABILITY TO BE OF FURTHER ASSISTANCE TO CERTAIN APPLICANTS IS CIRCUMSCRIBED BY LAW. WE BELIEVE THAT TO DO LESS COULD JEOPARDIZE AUSTRIA'S LIBERAL REFUGEE POLICY. CURRENT AUSTRIAN POSITION IS NO GUARANTEE THAT ATTITUDES ON ASYLUM, IN CONTRAST TO THOSE ON FREEDOM OF MOVEMENT, ARE IMMUTABLE. WOLF

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